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EXAMINER

CASLER, TRACI

ART UNIT

PAPER NUMBER

3629

MAIL DATE

DELIVERY MODE

12/19/2006

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/909,502

Applicant(s)

JOHNSON, RODNEY D.

Examiner

Traci L. Casler

Art Unit

3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 and 24-122 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 and 24-122 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is in response to papers filed on September 18, 2006.

Claims 1, 13, 20, 24-25, 46, 48, 50-56, 58, 65, 66, 81, 82, 84, 100-106, 113-115 and 117-118 have been amended.

Claims 1-22 and 24-122 are pending.

Claims 1-22 and 24-122 are rejected.

Specification

1. The amendment filed September 18, 2006 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: the amendments to claims 46-57, 100-105 and 117 contain the language "bibliographical information". By adding this limitation applicant is attempting to narrow the scope of the invention, however, this narrower aspect of the limitations was not originally disclosed in the original application.

Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 USC § 112

1. Claims 46-57, 100-105 and 117 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably

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convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

2. The claims are directed to "bibliographical data that is changeable overtime".

The applicants disclosure fails to teach "bibliographical information". The applicant fails to identify specific type of information as Bibliographical information which renders the claims narrower than the specification. One skilled in the art would know a publically accessibly file would be bibliographical information. There are limitless possibilities for public information.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-123 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent 6,282,548 Burner. Hereinafter referred to as Burner.

2. As to claims 1, 13, 20, 46, 65, 77, 82, 100, 113-117

Burner discloses a user requesting(query of desiered conten)(C. 2 I. 27-30) copies of information from an electronic address(C. 3 I. 12-15) and the results of the request being presented to the user as a copy of the information(C. 3 I. 15-17). **A database of website information (metadata). (C. 2 I. 48-53 C. 5 I. 45-54). Different types of information that can be retrieved(address, industry company name, stock**

symbol) can all fall within the language “bibliographical content”.(C. 11 I. 62-65 C. 16 I. 19-21).

3. **Claims 27, 58, 85, 106 and 118 Burner teaches a system and method for obtaining and storing webpage content. (C. 5 I. 41-60). Burner also teaches that one of ordinary skill in the art would know the memory contains several other types of information. As to applicants “copy of..” different types of information this is non-functional descriptive material. The system is retrieving information and storing a copy, the type of information that is being retrieve does not change/alter the process as specific types of information are not required in order to further perform the remaining functions/steps. The information is simply being retrieved in response to a query, regardless of what information is queried the retrieval process will remain the same. Furthermore, what the information that is retrieved can be used for is merely intended use and does not patentably distinguish the instant application over the prior art.**

4. As to claims 2, 59, 66, 95 and 108 Burner discloses the information being queried in several formats(C. 3 I. 33-35). Examiner notes a user enter a web address into a search query qualifies as a test string.

5. As to claims 3, 26 ,67, 92-93 and 110-111 Burner teaches the data warehouse and user interface separate(Fig. 1)

6. As to claims 4 and 68 Burner teaches results not in “real-time”(C. 5 I. 40-43).

7. As to claims 5, 17, 28, 49, 60, 69, 86,-87 and 109 teaches the search results as URL's(C. 7 I. 20-22).

8. As to claims 6 and 70 Burner teaches the URL is in response to the query(C. 3 I. 33-35).
9. As to claims 7, 61-64 and 71 Burner teaches the information being historical information that was retrieved from previous date pages(C. 5 I. 50-52)
10. As to claims 8-9, 62-63 and 72-74 Burner teaches the results of changes over time(C. 12 I. 9-12)
11. As to claim 10 Burner teaches changes to information being changes to the address(C. 11 I. 60-61)
12. As to claims 11-12, 75-76 and 107 Burner teaches presenting information in response to the query(C. 11 I. 62-65). The examiner notes that the fact that the information being returned is related to trademarks or any other industry or topic is non-functional descriptive material. These differences are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited. The steps of the query would be performed regardless of the type of information being requested. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *in re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 44(Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ 2d 1031(Fed. Cir. 1994).
13. As to claims 14, 53, 78 and 104 Burner teaches continuously storing information(C. 16 I. 55-57).
14. As to claims 15 and 80 Burner teaches references related to the requested material(C. 9 I. 4-9)

15. As to claims 16, 29 and 79 Burner teaches content providers selected from web servers (C. 2 I 50-53)
16. As to claims 18-19, 22-25, 32-33, 51, 54-57, 81, 84, 89-91 and 105 Burner teaches categorizing and organizing the data according to various topics that relate to the information (C. 17 I. 4-10)
17. As to claim 21 Burner teaches the retrieval taking place from several different providers and storing in a separate warehouse (Fig 1 Ref 110 and 111)
18. As to claim 30, 50, 88 and 102 Burner teaches compressing the stored information (C. 16 I. 60)
19. As to claims 34-36 Burner teaches the interface between the different computers operating remotely (Fig. 1 Ref. 130)
20. As to claims 37, 40, 45, 52, 83, 97 and 103 Burner teaches a crawler that retrieves website information in an organized continuous process (C. 5 I. 53-55)
21. As to claims 38, 42-43, 47-48, 96-98 and 101 Burner teaches storing registration information and storing information along with changes made to registration information (C. 10 I. 54-58)
22. As to claim 41 Burner teaches storing prior and current versions of information (C. 14 I. 25-32).
23. As to claims 44 and 99 Burner teaches offline storage (C. 6 I 2-7).
24. As to claims 119-123 Burner teaches time stamping information as it is retrieved (C. 11 I. 60-61).

Response to Arguments

25. Applicant's arguments filed September 18, 2006 have been fully considered but they are not persuasive.

26. Applicants arguments regarding the types of information that are being stored have been addressed above in the rejection. The type of information that is being retrieved and/or stored is non-functional. This type of information is a mere description and plays not functional role in how the process works. Regardless of the information that is archived and/or requested the retrieval process will proceed in the same manner.

27. Furthermore, applicants arguments regarding the source code and browser render information, applicant is merely arguing intending use. Hw the information can be used in the future does not patentably distinguish it from the prior art.

28. As to applicants arguments regarding "bibliographical information". The new matter rejection has been made with respect to the claims being narrower than the specification. However, the examiner additionally notes, the same argument can be applied to this type of information. What type of information that is being retrieved is not function. The type of information is not used in the rest of the process or required for a specific claimed step.

29. As to applicants arguments that Burner fails to teach " an electronic indexing system to facilitate a query of archived content. The examiner notes the wording used in this limitation is board. A computer database is an electronic index and Burner teaches accessing the database to retrieve information requested by the user.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Traci L. Casler whose telephone number is 571-272-6809. The examiner can normally be reached on Monday-Thursday 6:00 am-4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 571-272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TLC

JONATHAN OUELLETTE
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